

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

ANTHONY HOEPF,

Plaintiff,

vs

PEDRO OBREGON,

Defendant.

Case No. 1:05-cv-200

Dlott, J.  
Black, M.J.

**REPORT AND  
RECOMMENDATION**

Plaintiff, an inmate at the Southern Ohio Correctional Facility (SOCF), alleges that defendant Pedro Obregon, a physician at SOCF, was deliberately indifferent to plaintiff's serious medical needs in violation of the Eighth Amendment. This matter is before the Court on plaintiff's motion for default judgment. (Doc. 11).

On September 2, 2005, the Court ordered defendant Obregon to show cause in writing and within fifteen days why default judgment should not be entered against him for his failure to file an answer or otherwise defend plaintiff's complaint. (Doc. 9). The Court also ordered that a copy of the Show Cause Order be mailed to the Office of the Ohio Attorney General, Corrections Litigation Section. *Id.*

In response to the Show Cause Order, the Attorney General stated that at the time the summons and complaint were mailed, defendant Obregon was no longer employed at SOCF. Consequently, defendant Obregon never received personal service as required by Rule 4, Fed. R. Civ. P.

The Court has since obtained *in camera* the home address of defendant Obregon and has

instructed the United States Marshal Service to attempt service of process on defendant Obregon without disclosing the home address to plaintiff. (Docs. 12, 14, 15).

In light of this information, default judgment against defendant Obregon is not warranted at this time.

**IT IS THEREFORE RECOMMENDED THAT** plaintiff's motion for default judgment (Doc. 11) be **DENIED**.

Date: 11/2/2005

s/Timothy S. Black  
Timothy S. Black  
United States Magistrate Judge

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**NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO THIS  
R&R**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **TEN (10) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **TEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).